



IPAN's Vision: An Independent and Peaceful Australia

7 June 2024

IPAN SUBMISSION TO: Australian Submarine Agency Licence Application to Site a Prescribed Radiation Facility known as the 'Controlled Industrial Facility'

IPAN SUBMISSION

The consultation document does not give enough information about what is proposed. The lack of transparency is dangerous and deficient.

There is no assurance the ASA has consulted with the Traditional Owners of Meeandip (Garden Island) and complied with A.29.2 of the UN Declaration on the Rights of Indigenous Peoples: "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous people without their Free Prior and Informed Consent."

If consultation with the Traditional Owners of Meeandip has not occurred this would represent a totally unacceptable situation and totally remiss of the Australian Government to allow this to happen on an island of such national significance (see further comments below).

The permanent presence of US and UK nuclear submarines and nuclear waste storage makes HMAS Stirling a military target, if attacked the radiation risks threaten Cockburn Sound, Shoalwater Bay Marine Reserve and the communities facing Cockburn Sound, Rockingham, Kwinana, Cockburn and Fremantle.

The storage of waste at HMAS Stirling is said to be temporary – for how long, and where is the proposed permanent storage? (noting that the last 40 years of trying to develop a permanent radioactive waste storage for low level waste in Australia has failed – no such facility exists).

We reject that Australian public should fund or endure the risks of managing radioactive waste from foreign defence. There is no legislation that would prevent Australia from accepting High Level Nuclear waste from the US and UK – this should be explicitly prohibited. In addition, Australia's poor history with existing radioactive waste management and siting is a significant cause for concern.

Proposed new laws – the Australian Naval Nuclear Power Safety Bill (ANNPS) will create an internal regulator responsible only to the Minister for Defence. We are deeply concerned about the lack of transparency and the serious risks of having defence in control of nuclear waste and materials which pose a public health and security risk. There are no details about what will happen if there is a major accident or incident involving the release of radiation. What protections, alerts, public health and safety measures are there.

There are concerns about the environmental impacts, ground water and climate change impacts. Storing radioactive waste on an island is dangerous and deficient and there are no provisions explained for public reporting on monitoring. The Garden Island residents (population 772), its cultural heritage. the natural environment as well as the

Island's plants and the wildlife all stand to be impacted by a decision to store nuclear waste if in the future, High Level Nuclear waste was also accepted.

Cockburn Sound and Shoalwater Bay are sensitive and ecologically important areas that should be protected from nuclear threats and increased industrialisation at Garden Island and surrounds including the little penguin, sea lions and many more rare and endangered species.

Garden Island itself is a place of significance with the whole Island included on the Commonwealth Heritage List for its natural values, being a limestone outcrop covered by a thin layer of sand accumulated during an era of lowered sea levels.

Garden Island is home to the rare tammar wallaby (Australian Government Department of Agriculture, Water and the Environment) as well as being a haven for birds in addition to quite a few carpet pythons. The tammar wallaby is a model species for research on marsupials, and on mammals in general, with significance for research, with its genome sequenced in 2011. Being classified as a Class-A nature reserve means it is the most protected type of Crown land in the state.

Garden Island has been described as being not just a naval base but “an ark for rare species and keeper of colonial history”. IPAN is aware that the Australian Navy has taken measures to enhance the natural habitat, and thus helping to ensure that native animals on the island are currently protected. The presence of nuclear waste on the island, however, means that this protection could not continue to be guaranteed.

The Nyungah Peoples reportedly tell of walking to these islands in their Dreamtime. There are recreation and commercial values of the area which are threatened by the presence of nuclear power submarines and foreign defence forces.

Work to be assessed by DCCEEW

IPAN is aware that some proposed work has potential environmental impacts that require assessment and approval by referral to DCCEEW under the EPBC Act, with the Defence Department preparing to submit two referrals under the EPBC Act to DCCEEW in mid-2024 for: Maritime Infrastructure Upgrade and Controlled Industrial Facility (CIF), with the environmental impact assessment (EIA) to assess the impact on the following (i.e. Study Maritime CIF Targeted terrestrial flora and fauna surveys and assessment – as outlined in the Australian Government, Department of Defence, Submarine Rotational Force – West Environmental assessment and approval, May 2024).

Documented here below are a number of points in relation to the areas for assessment, provided to IPAN by an IPAN member in Western Australia (Lois Van Geloven) with vast knowledge and experience in relation to these matters. These raise significant points of concern, that we believe require extremely careful examination.

Targeted terrestrial flora and fauna surveys and assessment

- Areas of Meeandip-Garden Island have already been cleared without environmental approvals

Listed threatened, marine and migratory bird surveys and assessment

- It is vital to remember that there are little penguins moving from Penguin Island to Meeandip-Garden Island – near the CIF and above the PFAS.

- In addition, migratory birds have moved in, and are now ground nesting in the area cleared to deter the little penguins from their preferred nesting area

Seagrass and benthic habitat surveys and assessment

- The seagrass and benthic habitat has mostly already been destroyed through prior dredging activities with no attempt to regenerate.
- The proposed new dredging will deplete what is left. The Virginia Attack Class Nuclear Powered and Nuclear Weapons Capable, US Submarine requires deep dredging of Diamantina Pier.

Ongoing Little Penguin monitoring and assessment

- Little penguins are being discouraged from nesting at Meeandip-Garden Island, at the moment, for example as a result of the raising of the Rock Wall as well as the clearing of potential little penguins nesting habitat (it was recently bulldozed)
- This has led to the migratory birds now nesting in the disturbed ground. However, one little penguin (driven by the desire to nest walked along the bottom of the raised rock wall until it could go up over the rock barrier, which is no easy task – but it meant nesting between two trees in areas not considered to be its regular habitat – with other penguins subsequently following its lead.

Marine fauna assessment

- It is important to consider the prior inadequate WA, and also Federal EPA Studies

Targeted terrestrial and marine contamination assessments

- It is important to consider the prior inadequate WA, and also Federal EPA Studies, i.e. PFAS is still stored on the Island. Ground and ocean water, fauna, and flora have all been previously damaged. PFAS remains around permanently.

First Nations Peoples and Communities engagement

- Talking with Nyungah Peoples must happen has a matter of urgency as the starting point of community engagement

Baseline radiological monitoring (marine and terrestrial environments)

- No comments

Heritage impact assessments (Indigenous, historic and natural)

- Information from Federal Court Cases heard in Perth, and on country, will be critical to this process

Noise and vibration modelling and assessment

- No comments

Transport, traffic and access assessment

- No comments

Social and economic assessment

- This is critical as IPAN has it appears that the majority of people do not know about this AUKUS Infrastructure Project at Meeandip-Garden Island

- It will be absolutely critical to talk with Nyungah Peoples in relation to this area

Water and groundwater assessment

- IPAN believes that consulting with Nyungah Peoples, who hold their Knowledge and Lore in relation to water and groundwater, has to be the first step – otherwise any assessment of water and groundwater will be inadequate and incomplete.

In conclusion, IPAN rejects the proposal to store radioactive waste at Garden Island or host any nuclear powered submarines in Cockburn Sound.

Thank you for considering the matters raised in this submission.